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HOUSE OF COMMONS

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MINUTES OF PROCEEDINGS AND EVIDENCE

of the

SELECT STANDING COMMITTEE

on

PRIVILEGES AND ELECTIONS

No. 3

TUESDAY, JULY 7, 1931



WITNESSES:

Col. Oliver Mowat Biggar, K.C., and Mr. Jules Castonguay, Chief
Electoral Officer.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1931

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS, ROOM 268,

TUESDAY, July 7, 1931.

The Committee met at 11 o'clock. In the absence of the Chairman, Mr. Hanson, it was unanimously agreed, on motion of Mr. Elliott, that Mr. MacDonald (Cape Breton South) act as Chairman.

Members present: Messrs. Beaubien, Casgrain, Casselman, Duff, Gagnon, Gray, Lawson, MacDonald, MacNicol, McPhee, Mercier, Morand, Stinson, Thompson, Turnbull—15.

Col. O. M. Biggar, K.C., and Mr. Jules Castonguay, Chief Electoral Officer, were also in attendance.

The Clerk was called upon to read the Minutes of the last Meeting, and these were adopted.

Mr. Biggar read a memorandum prepared at the request of the Committee, in which he expressed his opinion as to whether, in the light of all the facts brought out in evidence, the witnesses Alexander Campbell and Frederick Benjamin Chidwick are to be held to have been ordinarily resident in the electoral district of East Simcoe, on May 30th, 1930.

On motion of Mr. Mercier, it was agreed that Mr. Biggar have permission to supply the official Reporter with a copy of said memorandum.

The witness was allowed to withdraw with the understanding that he would be advised by the Clerk if his attendance was again required at the next meeting of the Committee.

Mr. Castonguay then submitted a "Statement of changes and additions made by the Rural Registrar in the Preliminary Voters' list" for Polling Division No. 1, of Port McNicoll. This was admitted as evidence and filed as Exhibit No. 5.

On motion of Mr. Lawson, the Committee adjourned until 11 a.m., on Tuesday, July 14th, when they will take into consideration their Report to the House.

RUFIN ARSENAULT,

Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS, ROOM 268.

TUESDAY, July 7th, 1931.

The Select Standing Committee on Privileges and Elections met at eleven o'clock.

Mr. ELLIOTT: I would propose that, in the absence of Mr. Hanson, the Chairman, Mr. Finlay MacDonald take the chair for the meeting.

Mr. LAWSON: Carried.

Minutes of last meeting read and approved.

Mr. LAWSON: Mr. Chairman, at the time of the last adjournment we had just one matter left to deal with. Colonel Biggar, having regard to the evidence given before this committee with reference to the specific cases of Campbell and Chidwick, was going to give us his opinion whether or not on the facts as now available to him, either or both of those gentlemen should have been allowed to vote on election day, under the statute; and I would suggest that we might proceed by calling Colonel Biggar to let us have the benefit of the written opinion which he is going to give us.

Mr. BIGGAR: Mr. Chairman, when I was in attendance the last time, of course it was only two days after the previous meeting and I had no time to prepare any written memorandum; but as a result of a suggestion made by the chairman, in the meantime I have prepared a written opinion which I thought would be more useful.

As a matter of fact I sent three copies of it to the chairman last Friday; so I will just read the memorandum as I wrote it. I may say I have dealt with it at some length because I thought it was a point of some importance.

The question upon which I am asked to express an opinion is as to whether, in the light of all the facts brought out in evidence, the witnesses Alexander Campbell and F. B. Chidwick are to be held to have been ordinarily resident in the electoral district of East Simcoe on May 30th, 1930. The question of their right to vote in any particular polling division under Section 64 may for the present purpose be neglected. If it were dealt with the conclusion hereafter expressed on the main point would doubtless be reinforced.

Campbell's and Chidwick's residential qualification to vote in East Simcoe is to be considered (a) in the light of their employment on the C.P.R. ss. *Keewatin*, and (b) in the light of their association with Port McNicoll independently of that employment.

So far as concerns the first point, the relevant facts are identical in each of the two cases. Both men were employed in 1930 on the steamship and had been so employed in previous years. It appears that the steamship was placed in commission at Port McNicoll in or about the month of April in each year, and that in 1930, and perhaps previously, her schedule during the ensuing seven months had been such that she ordinarily left Port McNicoll on Wednesday afternoon, returning there on the following Monday morning and spending the intervening period of slightly more than two days at a dock, which is to be assumed on the evidence to be within the boundaries of the village, and

is without doubt within those of the electoral district. The evidence is silent as to the ship's terminus at the other end of her run and as to the length of her usual lay-over there; the facts on these points may, however, be assumed to be in favour of her association with Port McNicoll. At the end of the navigation season she appears to have been laid up and to have remained there through the winter until the time arrived for her to be again put into commission in the following spring.

In the course of the general election of 1930 upon a reference to me of the question whether the names of the persons employed on certain C.P.R. steamships, of which the *Keewatin* was presumably one, should be included in the list of voters for Port McNicoll by reason of the facts that they remained on the ships for about seven months in the year and that Port McNicoll was the ship's home port, I advised that it could not be inferred from these facts that the employees living on board were ordinarily resident in the electoral district of East Simcoe on May 30th, the date of the issue of the writs of election. The question now arises whether this conclusion is subject to any modification in the light of the fuller statement of the facts now available with respect to the ss. *Keewatin*.

My general views with regard to the interpretation of the provisions of the *Dominion Elections Act* on the subject of residence are stated in paragraphs 109 and 186 of the Election Instructions. In these residence of in effect two kinds is recognized as sufficient to confer qualification in a given electoral district. The election officers concerned are advised that a person may be qualified as ordinarily resident in a given electoral district either by reason of his association with a permanent establishment therein quite independently of whether or not he was at home on the date of the issue of the writ, or by reason of his having had a lodging in the district on the material date, provided his occupation of this lodging was for some purpose other than a purely transitory one. I have always taken the view that it was the intention of the Act to permit the casting of their votes by the very numerous persons who in Canada are engaged in seasonal occupations, notwithstanding that this at any season inevitably gives to certain classes of voters residential qualifications in two alternative districts. Abuses have not in fact arisen owing to the distances generally involved. I think, however, that the central idea of qualification depending on some definite place of abode in the district on the material date is one which must be maintained. Without it the situation, difficult enough as it stands, would become entirely chaotic owing to the difficulty of formulating any rule whatever.

The ss. *Keewatin* would not, in my opinion, constitute a fixed place of abode in the electoral district of East Simcoe, notwithstanding the facts above outlined with regard to her association with that port. To attribute to the members of her crew an ordinary residence in the district by reason of that association would create serious difficulties in the administration of the election law. It would, I think, be impossible to make a satisfactory distinction between a ship running between two Canadian terminal ports and one assigned to an international run. Equally a distinction between a mere schedule terminus and a terminus used as here not only when the ship was in commission but also as winter quarters, would be too tenuous to be practically acceptable. And to attempt to examine and compare the lengths of the lay-overs at the two terminal ports of a scheduled route would be open to even greater objection, even if, by delicate refinements of reasoning, it led to conclusions which anyone would be prepared to accept.

I am confirmed in my conclusion that the members of the *Keewatin's* crew were not qualified by residence to vote in East Simcoe by some less directly relevant considerations. I have examined the statutory definitions of a number

of electoral districts bordering on some of the principal ports in Canada and I find that in many cases the districts are defined so as to exclude the harbours. It would, I think, be unsatisfactory from the public standpoint if on identically similar states of fact qualification was conceded in one electoral district and denied in another merely by reason of the terms used in the *Representation Act* to define an electoral district, and without doubt not so used with any intention of producing any such differing results. Moreover any other conclusion might raise difficulties in the case of harbours at cities divided into more than one electoral district, where qualification would presumably have to depend upon the accidental location of a particular wharf. It might also confer an undesirable double residential qualification in closely adjacent districts by reason of the individual's maintenance of a permanent home in the same centre of population but in an electoral district other than that in which the boat was usually tied up. These objections to any other conclusion are, I think, of considerable weight.

There remain for consideration the personal grounds of Chidwick's and Campbell's possible residential qualification in East Simcoe. Both were unmarried men, and, so far as appears, neither of them had any personal or family home anywhere. Chidwick, before the beginning of the 1929 navigation season, had from time to time boarded in Port McNicoll at an hotel or boarding house, and although the evidence on the point is not quite clear, may in 1929 have spent most of the months of March, April and May in the village. The interval between December 1929, however, when the *Keewatin* was laid up, and April, 1930, when she was recommissioned, he spent travelling about to different places, in some of which he accepted employment and took what he describes as "short vacations" to Port McNicoll. He himself says that he "did not reside nowhere in particular" during this interval. For at least a year before May 30th, 1930, therefore, his only connection with the village, apart from the ss. *Keewatin*, was that he got his mail and had his laundry done there. Campbell was in much the same position. In December 1929, he left for England immediately upon ceasing to live on the ship, and on his return again immediately took up his quarters upon it. His next preceding residence in Port McNicoll was not earlier than the winter of 1928-29, when he may have lodged in quarters which he had been in the habit of taking from time to time, paying for them however only when he occupied them and having no connection with them in intervals of absence afloat or ashore, except that some of his mail was sent to him in care of the landlord's post office box.

In these circumstances it is, in my opinion, quite impossible to say that either Campbell or Chidwick was ordinarily resident in Port McNicoll on May 30th, 1930. The farthest one can go is to say that each was frequently resident there when not resident elsewhere, but that on May 30th, 1930, they were ordinarily resident elsewhere and not in the village. If at the time they had been in fact resident, that is had had a place of abode, in some other electoral district than East Simcoe, they would clearly have been entitled to vote in that other electoral district, but in the absence of their having on May 30th, 1930, some definite association with an abode in their particular electoral district, there was no district in which they could be held to be qualified as voters.

This was a situation which very commonly arose under the *Dominion Elections Act* prior to the amendment of Section 29 by 1929, chap. 40, section 13. Until that change in the law no one was entitled to vote in a given electoral district unless he had been ordinarily resident in it for the two months immediately preceding the date of the issue of the writs, and there were very large numbers of persons otherwise qualified who, by reason of a change of residence within that two months, were deprived by law of an opportunity to vote for

the candidates in any electoral district. The number of persons thus disqualified by law from voting even at a general election was so reduced by the amendment as to leave only a negligible remnant, in which, however, the two men in question must be included. They, however, share practical disqualification with a much more considerable fraction of the electorate, namely all those who, having moved from one electoral district to another during the eight weeks intervening between the date of the issue of the writs and polling day, are prevented for geographic and economic reasons from returning to vote in the district in which they formerly resided. The number of possible voters in this category was reduced, but only very slightly, in 1929 by the provisions affecting ministers, teachers and pupils which now appears as section 29A (4):

One of the members of the Committee asked me to suggest, if I could, amendments to the statute which would have the effect of preventing such disqualifications as have been referred to. It is no doubt desirable on general grounds that at a general election every adult British subject resident in Canada should be entitled to cast a vote and the amendments made in 1929 to which I have referred are merely the last of the steps which have been taken since 1920 towards that goal. Consistently, however, with the general principles of the present election law, under which lists of voters are prepared only after the issue of the writs, I doubt whether any further substantial step in this direction can be taken without involving disadvantages more serious than any advantage which would accrue. The privilege conferred upon ministers and teachers by Section 29A (4) might perhaps without objection be extended to their wives and families but I can suggest nothing of more general application.

I do not think that an attempt to graft provisions for absentee voters on the present system would turn out to be really workable, although I do not exclude the possibility of some safe and practical system being devised. Even such a system would, however, not meet cases such as those of Chidwick and Campbell and I see no way in which such cases could be met short of the abandonment of the present electoral procedure and the substitution for it of a radically different system according to which lists were prepared independently of and in advance of there being any occasion for their use. A scheme along these lines was discussed in my reports as Chief Electoral Officer in 1926, but I was then and I am still doubtful if a reasonably economical and entirely satisfactory system of the kind could be worked out. The Parliamentary Committee which gave the subject some consideration was moreover inclined against any so radical change in the law. Short of some such radical departure, combined with a provision for voting by absentee voters, I can conceive of no statutory phraseology which would at the same time entitle men without homes, who cannot on a given date be said to be ordinarily resident in any electoral district, to vote in some district with which they have some tenuous and necessarily uncertain association. To attempt to define the weight to be attached for the purpose of qualification to the number of visits made by an individual to a given electoral district, the intervals between them, the lapse of time between the last of them and the date of the issue of the writs and other like factors, would, I think, be an impossible exercise in draughtmanship. Even if it were capable of being carried out with reasonable success, the application of the provision would give rise to such a number of disputes and suspicions of "colonization" as to be considered by candidates and election officers not to have been worth the attempt.

In my opinion, therefore, while a territorial basis of representation for the House of Commons is maintained and voters are not entitled to vote for one Government or one Prime Minister instead of another, persons who, on the date of the issue of the writs, are without any legal, familial or actual and ordinary relationship to specific premises in a specific electoral district, and who therefore cannot be said to be ordinarily resident on that date in any district, must continue in the general interest to be disqualified for voting even at a general election.

Mr. MERCIER: I move that Mr. Biggar furnish the stenographer with a copy of his report, to appear in our report.

Mr. LAWSON: I will second the motion.

Motion agreed to.

Mr. LAWSON: I would like to get some information from Colonel Biggar, because this committee may be considering some amendments to the Act at some future time. Colonel, I suppose you would agree that in law every man, other than a tramp or a vagrant, must have some place of residence?

Mr. BIGGAR: He has a place of residence every night.

Mr. LAWSON: From day to day.

Mr. BIGGAR: Yes. I would not include tramps and vagrants. On each night the tramp or vagrant resides where he sleeps. That is what the election instructions say.

Mr. LAWSON: Then, if I understand your opinion correctly, you interpret the words "ordinarily resident" as requiring something more than mere residence?

Mr. BIGGAR: Quite definitely. For instance, if being without any permanent home I went and stayed at the Royal York Hotel in Toronto, I would not thereby become qualified to vote in Toronto South.

Mr. LAWSON: Then would you agree with me in this, that every person other than, say, a vagrant or a tramp, must have an ordinary residence somewhere?

Mr. BIGGAR: If you put the classification of tramp and vagrant widely enough, I would say that everybody was, in an electoral sense, a vagrant or a tramp who was without an ordinary residence on the material date.

Mr. LAWSON: That is beside the point I want to get at. I want to exclude that class of person who shifts about from place to place daily or weekly.

Mr. BIGGAR: And are not tramps or vagrants?

Mr. LAWSON: Including them in the tramps and vagrants class, if you will.

Mr. BIGGAR: Yes.

Mr. LAWSON: Must not any person, other than those I have outlined, have even an ordinary residence somewhere in law?

Mr. BIGGAR: No, I do not think so.

Mr. LAWSON: You think not?

Mr. BIGGAR: I think not.

Mr. LAWSON: Then may I take it that the result of your opinion is that Chidwick and Campbell did not have any ordinary residence anywhere?

Mr. BIGGAR: For electoral purposes, certainly not.

Mr. LAWSON: For electoral purposes under this Act on the 30th day of May, 1930?

Mr. BIGGAR: Certainly not; in no electoral district.

Mr. LAWSON: Then let me assume that a man was living on a house-boat tied to a dock in Port McNicoll, which is within the territorial limits of East Simcoe, on the 30th day of May, 1930, and he had his clothes there and took his meals there, and in the ordinary sense was living there, would you consider him qualified by residence there.

Mr. BIGGAR: That would depend. If the house-boat was simply on the move around Georgian Bay, no.

Mr. LAWSON: Assuming that the house-boat was quartered there permanently for a period of five or six months?

Mr. BIGGAR: If it had gone there at the beginning of the summer and stayed there the length of the summer, I would think it was the same as any residence.

Mr. LAWSON: You would think he was ordinarily resident there?

Mr. BIGGAR: Yes.

Mr. LAWSON: Then if he went off the house-boat for two or three days in the week, and in the course of his employment went to two or three different places outside of East Simcoe, always returning to the house-boat, you would, I take it, consider he was entitled to residence?

Mr. BIGGAR: Yes, in the sense which I have mentioned.

Mr. LAWSON: But the distinction between the hypothetical case which I have mentioned and the cases of Campbell and Chidwick was because these men were on a boat which in the very nature of circumstances only stops at Port McNicoll for two or three days stop-over each week, and they are not ordinarily resident within the terms of the Elections Act?

Mr. BIGGAR: Yes, I think that is so.

Mr. LAWSON: Then you might go a step further. Would you consider that for electoral purposes Campbell and Chidwick had not any ordinary residence on election day?

Mr. BIGGAR: In any electoral district.

Mr. LAWSON: So that if we were to attempt to amend the Elections Act, in order to give men in this position a vote, beyond all doubt you would think what we must change would be the definition of ordinary residence?

Mr. BIGGAR: Yes, unless you said a particular class of persons were not required to be ordinarily resident.

Hon. Mr. ELLIOTT: Just one question in order that there may be no misunderstanding as to the interpretation that you are putting upon the word "vagrant" used in connection with "tramp." I take it that you are referring to "vagrant" as meaning somebody covered by the word vagrant?

Mr. BIGGAR: You can put it whichever way you like, I was wondering—

Hon. Mr. ELLIOTT: An ordinary vagrant or wanderer?

Mr. BIGGAR: Somebody who has no association at a given time with a fixed premises anywhere, fixed place of abode.

Hon. Mr. ELLIOTT: That is, the distinction which you made between the house-boat which is attached to the dock and stays there, and the ship which is sailing around from place to place, is that one has a fixed place of location and the other has not?

Mr. BIGGAR: Exactly. The fixed place of abode is the significant thing.

Mr. LAWSON: Just one other thing occurs to me. For the purpose of the information which you have given us, you have taken for granted that these men had every other qualification mentioned, required by the Act?

Mr. BIGGAR: Quite.

Mr. LAWSON: And your own opinion is based purely upon the question whether or not they are ordinarily resident in East Simcoe on the particular day, the 30th May, 1930.

Mr. BIGGAR: Exactly.

Mr. THOMPSON: Taking the case of Chidwick, suppose he had gone to Port McNicoll on the 30th March and had lived there for one month, would not that month's residence have established his residence?

Mr. BIGGAR: No, he has under the statute to be ordinarily resident there, other than on the boat.

Mr. THOMPSON: I have had about thirty years' experience in courts and before county judges in Ontario, and I say unhesitatingly that no county judge would have disfranchised that man.

Mr. LAWSON: You are speaking of the sense in which the expression is used in the Elections Act, and not in the law generally?

Mr. BIGGAR: No, that is really the difficulty about residence, that whenever you go to find authority on the point, on the meaning of "residence" you always find it is interpreted by reference to the provisions of a particular statute.

Mr. THOMPSON: You spoke of certain men not being able to vote, on account of being away from their homes. This is not a special case, because they are on the list. I contend that every man has a right to be on the list somewhere. He may disqualify himself by going away, but he has a right to be on the list somewhere.

Mr. BIGGAR: In my experience up until the last general election the number of people who are not entitled to get on the list anywhere was very large; and it was as the result of my suggestion to the committee in 1929 that the two months' ordinary residence was dropped, and you simply required ordinary residence some place on the specific date of the issue of the writ.

Hon. Mr. MORAND: Had that boat been tied to the dock and these men had been living on it and working, would these men have been qualified to vote?

Mr. BIGGAR: It is very difficult to say. I can conceive cases where the circumstances would be such as to give them qualification. I can see that a tender on an abandoned ship laid up in Kingston harbour might quite possibly under similar circumstances be held to have a right to a vote in Kingston.

Mr. LAWSON: Or the house-boat case?

Mr. BIGGAR: Yes, because his residence is ordinarily there.

Hon. Mr. MORAND: For many years constituencies did not include the docks or wharves in the constituencies?

Mr. BIGGAR: Yes, the harbours were defined by reference to the banks of the harbour or the bank of the river or something like that.

Hon. Mr. MORAND: There was a chance to improve that anyway.

Mr. BIGGAR: As a matter of fact the thing won't arise, as far as tenders are concerned or watchmen.

The ACTING CHAIRMAN: Would there have been any difference if these boats had been registered in Port McNicoll?

Mr. BIGGAR: I do not know. I did not go into that question. I explained to the committee the last time that when I wrote my letter it was in my mind that that might make a difference. I did not want to say that it did not make any difference, without having had an opportunity to go into it; and I have never gone into it. It is not in our Act at all. It was vaguely in my mind that the point had arisen under the English Act.

Mr. MACNICOL: Both these men, Chidwick and Campbell, manifested a desire to vote by the fact that they went and registered.

Hon. Mr. ELLIOTT: They did not go to register. They were registered by Connolly. They went to vote.

Mr. MACNICOL: They apparently exercised all the precautions they thought they should exercise to be entitled to vote, but in the long run they were not entitled to vote. Was there anything they could have done, having the desire to vote, to have entitled themselves to vote?

Mr. BIGGAR: Do you mean, for example, on polling day?

Mr. MACNICOL: Prior to polling day.

Mr. BIGGAR: They could not have acquired a fixed residence on the 30th May if they had none before that. They could not have acquired a fixed residence in East Simcoe on the 30th May if they had known what was ahead of them; they might have acquired it, but it would have involved giving up that particular employment.

Mr. MACNICOL: You mean if they had rented a room.

Mr. BIGGAR: If they had occupied it. The mere renting of it would not have made much difference.

Mr. MACNICOL: They both struck me as being of the opinion that their home was in Port McNicoll.

Mr. BIGGAR: That was the place to which from time to time Campbell returned, not having a home elsewhere. You remember Chidwick himself said he was not residing anywhere in particular all through the winter of 1929-1930, that he had been working around in different places, that he had travelled from place to place and took vacations at Port McNicoll.

Mr. LAWSON: Mr. Chairman, I was going to suggest, after the committee got all the information they wanted from Colonel Biggar—

Hon. Mr. ELLIOTT: May I interrupt? To sum up what you have said, you were electoral officer for a number of years and have been giving special attention to the matter of residence and other matters in connection with the *Dominion Elections Act*?

Mr. BIGGAR: No problem in connection with the Dominion Election law is so difficult as this question of residence.

Hon. Mr. ELLIOTT: And this matter and other questions akin to it have been discussed from time to time by various committees which have met here, and as I gather, your opinion after careful consideration of practically this same subject in 1926, was that the list of those who were not entitled to vote anywhere had, by the abolition of the sixty days' residence period, been cut down as far as you could do it with reasonable safety.

Mr. BIGGAR: With any sort of safety, yes.

Mr. LAWSON: I would like to know what the "yes" refers to, because my honourable friend has combined two questions in one. The first part of his question was that the committee, since 1926, has considered on more than one occasion the question of residence; and the other part of the response was as to the effect of the amendment made in 1929. Now, to which part of the question is Colonel Biggar answering "Yes"?

Mr. BIGGAR: Well, I cannot be quite sure about the plural with regard to the committees. Certainly the question of residence was considered by the committee in 1929, and I think it was considered by the committee in 1922. I think those were the only two committees.

Mr. LAWSON: Shall I make my suggestion now?

Hon. Mr. ELLIOTT: Yes.

Mr. LAWSON: Mr. Chairman, I was going to suggest that as we now have available Colonel Biggar's opinion, personally I would like to read it and consider it with more care than I can do by hearing it read once, and I would suggest that the committee adjourn to some convenient date when we might meet for the purpose of compiling a report and dealing with the matter.

If you will excuse me, there is one thing I wanted to get on the record from Colonel Biggar. I understood you to say, Colonel, that you drew these Elections Instructions which went out to the returning officers, on the Elections Act.

Mr. BIGGAR: Yes.

Hon. Mr. ELLIOTT: There are one or two things I wanted to ask Mr. Castonguay before we adjourn.

The ACTING CHAIRMAN: Would Mr. Castonguay take the stand.

JULES CASTONGUAY, recalled.

Hon. Mr. ELLIOTT: Mr. Castonguay, at the last meeting I think you were asked to make a list showing those who were marked on Connolly's list, we will call it, as living at Victoria Harbour, who had voted at Victoria Harbour in the last election?

Mr. CASTONGUAY: I remember something was said about it.

Hon. Mr. ELLIOTT: Did you make such a list? Perhaps first of all you can show the record of changes made by Mr. Connolly.

Mr. CASTONGUAY: Here is a schedule of the changes made by Mr. Connolly. That is the original copy.

Hon. Mr. ELLIOTT: And if I ran over the original list correctly, the other day, you showed how many men had been resident at Victoria Harbour, who were on the Keewatin.

Mr. CASTONGUAY: I found twenty-one.

Hon. Mr. ELLIOTT: You have since had an opportunity of looking over the list of those who voted at Victoria Harbour on this particular polling day.

Mr. CASTONGUAY: I have examined the poll books for the four polling stations at Victoria Harbour, and I found that out of those twenty-one names twelve had voted at some of the booths.

Hon. Mr. ELLIOTT: That twelve had voted at Victoria Harbour, as shown by the list of those who voted there. And can you tell me if that twelve who voted at Victoria Harbour, were listed by the returning officer in his list of where these people lived as at Victoria Harbour?

Mr. CASTONGUAY: I did not get that.

Hon. Mr. ELLIOTT: Listed, I should have said, by the enumerator.

Mr. CASTONGUAY: These twenty-one names appeared on the preliminary lists and were struck off the lists.

Hon. Mr. MORAND: Where?

Mr. CASTONGUAY: They were struck off by the rural registrar at Port McNicoll.

Hon. Mr. ELLIOTT: On the original list they were put on at Port McNicoll by Connolly, the registrar, these twenty-one?

Mr. CASTONGUAY: Yes, sir.

Hon. Mr. ELLIOTT: And the other sailors as well,—a number of other sailors, and their residences were marked as what?

Mr. CASTONGUAY: Port McNicoll.

Hon. Mr. ELLIOTT: And then after his interview with the returning officer, apparently, from the evidence, these names were stricken off?

Mr. CASTONGUAY: They were stricken off by the registrar during the three days that he sat for revision of his list, apparently.

Hon. Mr. ELLIOTT: And there is a list on which the residences of these men are marked as Victoria Harbour, Midland, Toronto, Owen Sound, and the various places where he thought they resided?

Mr. CASTONGUAY: That is given on his statement of changes and additions. Every name that is struck off—and I notice that he struck off a good many of them—he has stated their residences as far as they were known to him.

Hon. Mr. ELLIOTT: This is the statement of changes and additions, which you have given us here?

Mr. CASTONGUAY: That is the original copy.

Hon. Mr. ELLIOTT: I think this should go in, when we are through with it here. On that statement of changes and additions, how many do you find marked as resident at Victoria Harbour?

Mr. CASTONGUAY: I find twenty-one.

Hon. Mr. ELLIOTT: And, as you have already stated, you now find by reference to the Victoria Harbour poll books, or something of that kind, that twelve of that twenty-one actually did vote at Victoria Harbour?

Mr. CASTONGUAY: Yes.

Hon. Mr. ELLIOTT: Have you examined Midland or Owen Sound or any of the other places? You were not asked to do so.

Mr. CASTONGUAY: No. I looked up, but there were about forty polls, and the examination of the poll books is quite a difficult job.

Mr. THOMPSON: You do not know that these were the same men, although of the same name?

Mr. CASTONGUAY: They were under the same names and the same occupation.

Mr. THOMPSON: The first is Arbor, and you do not know that that is the same Arbour which was on at Port McNicoll?

Mr. CASTONGUAY: It was the same name.

Hon. Mr. ELLIOTT: I would think it was a pretty strong supposition, when you find Henry Arbour, sailor, and Mr. Connolly put him in as an ordinarily resident at Victoria Harbour, and a man named Henry Arbour voted at Victoria Harbour.

Mr. THOMPSON: It is a very common name.

Mr. LAWSON: Is Victoria Harbour in the same constituency as Port McNicoll?

Mr. CASTONGUAY: Yes, sir, it is in the same constituency, East Simcoe.

I have brought with me the index book prepared by Connolly. There was some question the other day about the fact that he did not initial the change in the final list. I find his index book contains all the notes and the initials.

Mr. THOMPSON: Is the date there too?

Mr. CASTONGUAY: Yes, the date and everything. They appear to have been struck off on July 2. The committee may have this if they like.

Mr. LAWSON: As a matter of fact, I think it was the chairman who asked for it.

The ACTING CHAIRMAN: It might be marked as an exhibit, if the committee likes.

Hon. Mr. ELLIOTT: You have been here through the whole inquiry, Mr. Castonguay. Is there anything that has arisen that you feel an explanation from you would assist the committee in regard to, further than has been stated?

Mr. CASTONGUAY: I do not think there is anything else.

Mr. LAWSON: I would move, Mr. Chairman, that the committee do now adjourn to a day to be fixed.

Hon. Mr. ELLIOTT: Before that motion is put, I think it has been the practice in the privileges and elections committees as far as possible to endeavour to arrive at a solution, if there is a solution, of whatever problem the committee is considering. I was going to ask whether members of the committee would make any suggestion they may have to make, so that they might be considered between now and the next meeting. Does anybody really feel that we are not embarking on too dangerous a sea to make a change?

Mr. MACNICOL: I would like to read Colonel Biggar's report. He has made very diligent inquiry and has given a very full report.

Mr. GAGNON: I would think we are not prepared to make any further suggestions this morning, because Colonel Biggar has made a long and thorough written report which we have not had the opportunity to study, and the studying of that might help us in forming an opinion.

Hon. Mr. ELLIOTT: It seems to me that the opinion is to be boiled down to the one thing that residence must be a more or less fixed point.

Mr. GAGNON: The law may have to be amended.

Mr. MACNICOL: This has nothing to do with the case in hand, but if the committee is meeting and the report is to be brought in, it may not be entirely out of place. I do not ask it to be dealt with unless it is in place. I think there were about three hundred altogether disfranchised in my riding. They all had their receipts. The enumerator came to them and put down their names and addresses and handed them a receipt; but in compiling the list, some 342 were not able to vote because their names were left off the list.

If this committee has power to deal with that, not to-day but later on, I think we ought to make some recommendation along that line.

Hon. Mr. ELLIOTT: I assume the committee is considering what was referred to them by the member for Simcoe East, Mr. Thompson. I have no doubt there would be no objections to our considering anything which may assist in improving the election law.

Mr. LAWSON: I would raise the question whether this is just the time to consider it. Undoubtedly this committee will, before the next general election, be considering suggestions as to the Elections Act. I had the same experience as Mr. MacNicol refers to, excepting that a greater number were in the same position in West York; that is possibly because I had the most numerous population of any riding in Canada. The enumerator went around and took down the people's names. The Elections Act requires the enumerator to give a certificate to the voted that he had recorded his name, and so on. The enumerators handed out those certificates, but when the people went to vote, their names were not on the list, and in spite of the fact that they had a certificate that the man who made the list out put them on, they were not entitled to vote. These are urban polls.

Mr. MERCIER: We had the same difficulty in our riding.

Mr. LAWSON: Although West York is a rural riding for some purposes, the electoral officer held we were urban for election purposes.

Mr. CASTONGUAY: If the committee will allow me, in view of what Mr. Lawson has said, that a large number of names of voters who were given slips by the enumerator did not find their names on the list, I made a suggestion in my report to the Speaker in September last, that I thought it would be well to adopt a new system based upon the present system, which I think would be of great advantage.

The ACTING CHAIRMAN: What was the suggestion you made?

Mr. CASTONGUAY: The suggestion I made would have the effect of shortening the period that is necessary to prepare lists. Now it takes eight full weeks to prepare lists in an urban riding. My suggestion would make it possible to prepare those lists in six weeks. Have double enumerators, print the lists as soon as they have been enumerated, and have copies enough so as to be able to send one to each dwelling in the polling subdivision, that would be about eighty copies; and there would be no revision until within about ten days of the polling, and then the revising officer would print the lists.

Mr. LAWSON: All these matters suggested by the Chief Electoral Officer would come eventually before the committee when it comes to finally consider the revision of the Elections Act.

Mr. DUFF: Was the original list posted?

Mr. CASTONGUAY: The enumerator would make a list of the voters and the addresses, and my idea is that when the lists are printed a copy of the list would be mailed to each house in the polling subdivision, and in that way a

notice would be given of where the revision is to take place, and also the location of the polling subdivision. I think this would be more acceptable than posting.

Mr. DUFF: If it went to the individual, they might say that they had never received it.

Mr. CASTONGUAY: It is not posted now.

Mr. LAWSON: Mr. Elliott, I think, was asking for suggestions from the committee at this time. I find that very difficult to do, for it seems to me the first thing this committee must determine is whether we do or do not agree with the opinion given by the Chief Electoral Officer. If we agree with that opinion, then do we deem it advisable to make recommendations as to the amendment of the Act? If we do not agree, and if we are substantially of the opinion that these men are already qualified to vote, there would be no need to amend the Act. Therefore we require some time to come to a conclusion in that regard after reading the carefully prepared opinion of Colonel Biggar given us this morning. I do now move that we adjourn to some date satisfactory to the members of the committee, at which date we re-convene for the purpose of framing our report.

Hon. Mr. Elliott: I quite agree. That will be satisfactory to me.

The ACTING CHAIRMAN: Would you agree now upon Tuesday the 14th?

Mr. DUFF: The House should prorogue by next Saturday.

The ACTING CHAIRMAN: You are a delightful optimist, Mr. Duff.

Committee adjourned until Tuesday, 14th July, 1931, at 11 a.m.